

REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-39 remain in this application.

II. FINALITY OF OFFICE ACTION

Applicant believes that the finality of the Office Action is premature. The Harvey Reference was not cited in the previous Office Action, but was used in the present Office Action in new rejections that were neither necessitated by Applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Therefore Applicant requests reconsideration of the finality of the Office Action.

III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejected Claims 1-7, 10, 20-26 and 29 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,476,947 to Harvey. The rejection is respectfully traversed.

Claims 1 and 20 appear as follows:

1. A method for providing control of a set-top box with infrared (IR) signals, comprising the steps of:

providing an IR control database residing on a local mass storage system in a set-top unit, wherein said IR control database contains a plurality of IR control entries;

providing an IR control packet, wherein said IR control packet is generated from a first IR control entry of said IR control database; and
controlling said set-top box with said IR control packet.

20. An apparatus for providing control of a set-top box with an IR signal, comprising:

a local mass storage system in a set-top unit;
an IR control database residing on said mass storage system wherein said IR control database contains a plurality of IR control entries;
an IR control packet, wherein said IR control packet is generated from a first IR control entry of said IR control database; and
a transmitter that controls said set-top box by transmitting said IR control packet thereto.

Perlman does not teach or disclose a system that provides an IR control database residing on a local mass storage system in a set-top unit, wherein said IR control database contains a plurality of IR control entries as claimed in Claims 1 and 20. The Office Action states:

“Providing an IR control database containing a plurality of IR entries (column 10, lines 30-37, the Internet terminal may control multiple devices via IR codes)”

This is an incorrect interpretation of Perlman. Perlman teaches away from a system as claimed in Claims 1 and 20 by teaching that an Internet terminal **relays** IR commands to each consumer electronics device. Perlman in col. 10, lines 28-37 states (emphasis added):

“It is anticipated that the Internet terminal will incorporate **an IR receiver to receive commands from a remote control**. Rather than requiring the user to use a separate remote to operate the VCR, the **Internet terminal can relay the commands to the VCR** using IR connector 162. By providing IR connectors to each consumer electronics device with an IR receiver, each consumer electronics device may be controlled by a single remote.”

As the Office Action further states:

“Perlman fails to disclose providing an IR control database residing on a local mass storage system in a STB.”

This is true because Perlman teaches away from storing a plurality of IR control entries because Perlman teaches that his invention **relays** commands from a remote control to a consumer electronics device. Perlman has no need for an IR control database.

Therefore, Perlman in view of Harvey does not teach or disclose the invention as claimed.

Claims 1 and 20 are in allowable condition. Claims 2-7, 10-12, and 21-26, 30, 31, are dependent upon independent Claims 1 and 20, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejected Claims 8, 9, 13-19, 27, 28 and 32-38 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,476,947 to Harvey in further view of U.S. Patent 6,239,718 to Hoyt. The rejection is respectfully traversed.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 20, above. Claims 8, 9, 13-19, and 27, 28, 32-39, are dependent upon independent Claims 1 and 20, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

V. CLAIM REJECTIONS – 35 U.S.C. § 103

The Final Office Action rejected Claims 11, 12, 30, 31 and 39 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,476,947 to Harvey in further view of U.S. Patent 6,057,874 to Michaud. The rejection is respectfully traversed.

Claims 11, 12, 30, 31:

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1 and 20, above. Claims 11, 12, and 30, 31, are dependent upon independent Claims 1 and 20, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

Claim 39:

Claim 39 appears as follows:

39. A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform a method for controlling a set-top box with an IR signal, said method comprising the steps of:

providing an IR control database for residence on a local mass storage system in a set-top unit;

receiving an IR control entry to create a received IR control entry;

inserting said received IR control entry into said IR control database to create a first IR control entry of said IR control database;

providing an IR control packet, wherein said IR control packet is generated from a first IR control entry of said IR control database;

providing control to said set-top box by serial transmission of said IR control packet;

providing a raw IR control library residing on said mass storage system, wherein said raw IR control library contains a first raw IR control entry;

parsing said first raw IR control entry of said raw IR control library to create a processed first IR control entry;

communicating said processed first IR control entry to create said first IR control entry of said IR control database;

providing a corrections-additions database residing on said mass storage system, wherein said corrections-additions database contains a first correction data entry; and

parsing said first correction data entry and said first raw IR control entry to create said processed first IR control entry, wherein said IR control database contains at least one IR control entry.

Claim 39 is allowable in the same manner as Claims 1 and 20. Further, Applicant requests that the Examiner provide evidence of the official notice that updates to database entries which are accessible via the Internet are well known in the art. Applicant does not believe that the official notice pertains to providing a corrections-additions database because there is no reasoning in the Office Action as to how a corrections-additions database was known in the art at the time the invention was made.

Claim 39 is in allowable condition. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

VI. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.


The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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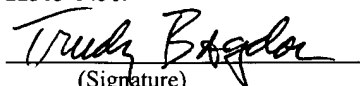
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on June 20, 2005

by


(Signature)